

HOUSE BILL NO. 336

INTRODUCED BY G. GUTSCHE, NEWMAN, HARRIS

BY REQUEST OF THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THERE IS NO COST ASSOCIATED WITH SERVICE OF ORDERS OF PROTECTION; AND AMENDING SECTION 40-15-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-15-204, MCA, is amended to read:

"40-15-204. Written orders of protection. (1) The court may, on the basis of the respondent's history of violence, the severity of the offense at issue, and the evidence presented at the hearing, determine that to avoid further injury or harm, the petitioner needs permanent protection. The court may order that the order of protection remain in effect permanently.

(2) In a dissolution proceeding, the district court may, upon request, issue either an order of protection for an appropriate period of time or a permanent order of protection.

(3) An order of protection may include all of the relief listed in 40-15-201, when appropriate.

(4) An order of protection may include restraining the respondent from any other named family member who is a minor. If this restriction is included, the respondent must be restrained from having contact with the minor for an appropriate time period as directed by the court or permanently if the court finds that the minor was a victim of abuse, a witness to abuse, or endangered by the environment of abuse.

(5) An order of protection issued under this section may continue for an appropriate time period as directed by the court or be made permanent under subsection (1), (2), or (4). The order may be terminated upon the petitioner's request that the order be dismissed.

(6) An order of protection must include a section that indicates whether there are any other civil or criminal actions pending involving the parties, a brief description of the action, and the court in which the action is filed.

(7) An amendment to a temporary order of protection or to an order of protection is effective only after it has been served in writing on the opposing party.

1 (8) There is no cost to file a petition for an order of protection or for service of an order of
2 protection whether served inside or outside the jurisdiction of the court issuing the order.

3 (9) Any temporary order of protection or order of protection must conspicuously bear the
4 following:

5 "Violation of this order is a criminal offense under 45-5-220 or 45-5-626 and may carry penalties
6 of up to \$10,000 in fines and up to a 5-year jail sentence.

7 This order is issued by the court, and the respondent is forbidden to do any act listed in the order,
8 even if invited by the petitioner or another person. This order may be amended only by further order of this
9 court or another court that assumes jurisdiction over this matter.'"

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